

CHAPTER 9.16

Offenses Against the Person and Public Order

9.16.010 Loitering – activities prohibited – affirmative defense.

A. The word *loiter* means to be dilatory, to stand idly around, to linger, delay or wander about or to remain, abide or tarry in a public place.

B. A person commits a class 1 petty offense if he or she or she, with intent to interfere with or disrupt a school program or with intent to interfere with or endanger schoolchildren, loiters in or about a school building or grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific, legitimate reason for being there, and having been asked to leave by a school administrator or his or her representative or by a peace officer.

C. In addition to the other provisions of this Subsection, a person who is a sex offender required to register as provided by Section 16-22-103, C.R.S., commits a violation of this Section if he or she loiters at or within seven hundred fifty (750) feet of any city recognized school, park, playground, recreational center, swimming pool or splash park without having any legitimate reason for being there.

D. It shall be an affirmative defense that the defendant's acts were lawful and he or she was exercising his or her rights of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise. (Ord. 469-09; Ord. 1148-99; Ord. 347 77)

9.16.020 Loitering – soliciting for purchase of drinks.

A. It is unlawful for any person to frequent or loiter in any tavern, cabaret or nightclub with the purpose of soliciting persons to purchase drinks.

B. It is unlawful for the proprietor or operator of any such establishment to allow the presence in such establishment of any persons who violate the provisions of Subsection A above. (Ord. 347 77)

9.16.030 Disorderly conduct.

A. A person commits *disorderly conduct* if he or she intentionally, knowingly or recklessly:

1. Makes a coarse and obviously offensive utterance, gesture or display in a public place and the utterance, gesture or display tends to incite an immediate breach of the peace;

2. Makes unreasonably noise in a public place or near a private residence that he or she has no right to occupy;

3. Fights with another in a public place, except in an amateur or professional contest of athletic skill;

4. Not being a peace officer, discharges a firearm in a public place, except when engaged in lawful target practice or hunting; or

5. Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm.

B. It is an affirmative defense to prosecution under Paragraph A.1 above that the actor had significant provocation for his or her abusive or threatening conduct. (Ord. 1148-99; Ord. 347 77)

9.16.035 Sound-reproduction devices or machines.

Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television set, phonograph or other machine or device for the production or reproduction of sound, in such a manner as to be plainly audible at fifty (50) feet from such device when operated within a vehicle, is unlawful. (Ord. 1118-98)

9.16.040 Harassment – stalking.

A. A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

1. Strikes, shoves, kicks or otherwise touches a person, or subjects him or her to physical contact;
2. Directs obscene language or makes an obscene gesture to or at another person;
3. Follows a person in or about a public place;
4. Initiates communication with a person, anonymously or otherwise by telephone, written, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone, written, computer, computer network, or computer system that is obscene;
5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;
6. Repeatedly insults, taunts, challenges, or makes communications in offensively course language to, another in a manner likely to provoke a violent or disorderly response; or
7. Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or private property.

B. A person commits stalking if directly or indirectly through another person such person knowingly:

1. Makes a credible threat to another person and, in connection with such threat, repeatedly follows approaches, contacts or places under surveillance that person, a member of that person's immediate family or someone with whom that person has or has had a continuing relationship.
2. Makes a credible threat to another person and, in connection with such threat, repeatedly makes any form of communication with that person, member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, regardless of whether or not a conversation ensues.
3. Repeatedly follows, approaches, contacts, places under surveillance or makes any form of communication with another person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship, in a manner that would cause a

reasonable person to suffer serious emotional distress and does cause that person, a member of that person's immediate family, or someone with whom that person has or has had a continuing relationship to suffer serious emotional distress. For purposes of this Subparagraph, a victim need not show that he or she received professional treatment or counseling to show that he or she suffered serious emotional distress.

For the purposes of this Subsection, *credible threat* means a threat or physical action that would cause a reasonable person to be in fear for the person's life or safety, or the safety of his or her immediate family, and *repeatedly* means on more than one (1) occasion. *Immediate family* includes the person's spouse and the person's parent, grandparent, sibling or child. *In connection with* means acts occurring either before, during or after the credible threat. (Ord. 285-04; Ord. 1148-99; Ord. 906-94; Ord. 347 77)

9.16.045 Unreasonable noise prohibited.

A. No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises or in or upon any vehicle owned or possessed by such person or under such person's control or operation.

B. For purposes of this Section, *unreasonable noise* shall mean any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment. Members of the Police Department, upon receiving a complaint and then investigating such complaint, are empowered to make a prima facie determination as to whether a noise is unreasonable, which determination may be based upon, but not need be limited to, a consideration of the following factors:

1. The time of day;
2. The size of any gathering of persons creating or contributing to the noise;
3. The presence or absence of noise amplification equipment; and
4. Any other factors tending to show the magnitude and/or disruptive effect of the noise.

C. In any prosecution charging a violation of this Section, proof that the owner or tenant of the premises upon which the unreasonable noise occurred was present at the time of the violation shall constitute prima facie evidence that such person was in control of the premises and knowingly permitted the violation to occur. (Ord. 497-10)

9.16.050 Disrupting a lawful assembly.

A person commits the violation of disrupting lawful assembly if, intending to prevent or disrupt any lawful meeting, procession or gathering, he or she significantly obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance or any other means. (Ord. 347 77)

9.16.060 Obstructing highways or other public ways.

A person commits a violation of this Section if, without legal privilege, he or she intentionally, knowingly or recklessly:

A. Obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access, or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from his or her acts alone or from his or her acts and the acts of others; or

B. Disobeys a reasonable request or order to move, is sued by a persons he or she knows to be a peace officer, a fireman or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway, or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard. (Ord. 347 77)

9.16.070 Inciting riot.

A. A person commits the violation of inciting riot if he or she:

1. Incites or urges a group of five (5) or more persons to engage in a current or impending riot; or

2. Gives commands, instructions or signals to a group of five (5) or more persons in furtherance of a riot.

B. The term *riot*, as used in this Section, shall mean the same as is used in Subsection 9.16.080.B below. (Ord. 347 77)

9.16.080 Engaging in a riot.

A. A person commits a violation of this Section if he or she engages in a riot.

B. For purposes of this Section, the term *riot* means a public disturbance involving an assemblage of five (5) or more persons which, by tumultuous and violent conduct, creates grave danger of damage of injury to property or person, or substantially obstructs the performance of any governmental function. (Ord. 347 77)

9.16.090 Disobeying public safety officers during riot conditions.

A person commits a violation of this Section if, during a riot or when one is impending, he or she intentionally disobeys a reasonably public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of the riot. A *public safety order* is an order designed to prevent or control disorder or promote the safety of persons or property, issued by an authorized member of the police, fire, military or other forces concerned with the riot. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media, unless he or she is physically obstructing efforts by such forces to cope with the riot or impending riot. In applicability of the order is an affirmative defense. (Ord. 347 77)

9.16.095 Urinating in public.

Any person who urinates on any street, alley, sidewalk or other public place or on private property within the public view commits a violation of this Section. (Ord. 551-13 §1)